

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

24 Cr. 140 (PAE)

-v-

JONATHAN MOYNAHAN LARMORE,

ORDER

Defendant.

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the Government's letter of September 25, 2024, moving to exclude the proposed testimony of defense expert John Nicholson, and in the alternative, for a *Daubert* hearing, Dkt. 73; and the defense's letter response of October 2, 2024, belatedly amplifying, to some degree, on the content of and bases for Mr. Nicholson's proposed testimony, Dkt. 79.

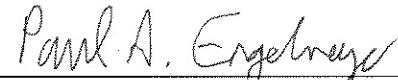
The Court's judgment is that, to enable a considered resolution of the Government's motion, it is necessary to conduct a pretrial *Daubert* hearing. The purpose of the hearing will be to enable the Court to assess Mr. Nicholson's qualifications, and the methodology underlying, and the relevance and reliability of, his proposed testimony. The Court expects that the defense will conduct a direct examination of Mr. Nicholson on these points; that the Government will then conduct a cross-examination; and that following Mr. Nicholson's testimony, the Court will hear argument on whether to permit, limit, or exclude the proposed testimony.

The *Daubert* hearing will be held—in person—on Wednesday, October 9, 2024, beginning at 9 a.m. In light of the imminent trial date and the late date at which this issue arose,

the Court does not have flexibility to schedule the hearing at a later date.¹ The hearing will be held in Courtroom 1305 of the Thurgood Marshall United States Courthouse.

To enable the Court to focus in advance on the issues presented, the Court authorizes the Government to file a reply to the defense's letter of October 2, 2024. That reply is due Sunday, October 6, 2024, at 5 p.m. The Court expects the reply to focus on the application of the *Daubert* standards to Mr. Nicholson's proposed testimony, as the defense has now elaborated upon it. In the event that the defense wishes to respond in writing to this reply, its letter is due October 7, 2024, at 5 p.m. These deadlines are firm.

SO ORDERED.



PAUL A. ENGELMAYER

United States District Judge

Dated: October 3, 2024
New York, New York

¹ In the event that holding the hearing on Tuesday, October 8, 2024, would be preferable for counsel, the Court—subject to some scheduling limitations—could alternatively make available much of that day for at least the testimonial component of the hearing. Counsel are to promptly confer and to jointly alert the Court, by 10 a.m. on Friday, October 4, 2024, whether they prefer to hold the hearing on October 8. The hearing that day would also begin at 9 a.m.